

RETIRE CERTAIN WARRANT OFFICERS OF ARMY MINE PLANTER SERVICE

FEBRUARY 6, 1925.—Committed to the Committee of the Whole House on the
state of the Union and ordered to be printed

Mr. WRIGHT, from the Committee on Military Affairs, submitted
the following

REPORT

[To accompany S. 3977]

This is a similar bill to H. R. 204, which was favorably reported to
the House on January 30, 1925. Consequently, the report made at
that time is made a part of this report, as follows:

[House of Representatives Report No. 1343, Sixty-eighth Congress, second session]

The Committee on Military Affairs, to whom was referred the bill to authorize
the Secretary of War to reappoint and immediately discharge or retire certain
warrant officers of the Army Mine Planter Service, having considered the same,
report thereon with the recommendation that it do pass.

The purpose of this legislation is to remedy an injustice which was done to
certain warrant officers of the Army Mine Planter Service in the War Depart-
ment appropriation act for the fiscal year ending June 30, 1923, Public, No. 259.
By that act the number of warrant officers in the Army Mine Planter Service
was reduced to 40 and resulted in the summary discharge of 32 of said warrant
officers without regard to the accruing retiring privileges, longevity pay, or
allowances which were provided for these men by the act creating the Army
Mine Planter Service. These benefits were provided by law when that service
was created, and on the faith of those benefits these men entered the service.
The same act in otherwise reducing the size of the Army contained provisions
for the elimination of officers of the Army and other warrant officers. Warrant
officers except those in the Army Mine Planter Service were taken care of by a
prohibition against filling vacancies until the reduced number of 600 was attained.
The other Army officers who were eliminated were taken care of by a provision
for one year's pay for those having less than 10 years' service and by retirement
pay for those having more than 10 years' service. Surplus warrant officers in
the Army Mine Planter Service were the only officers for whom no provision was
made. This bill is intended to remedy this injustice, and a maximum of 32 men
is involved.

The act which eliminated these officers was War Department appropriation
act approved June 30, 1922, Public, No. 259, Sixty-seventh Congress, wherein
it was provided—

"That within sixty days after the approval of this act the number of warrant officers in the Army Mine Planter Service shall be reduced to forty, and thereafter the number shall not be increased above forty."

This provision of the law would have eliminated 35 men in the Army Mine Planter Service, but 3 were retired for physical disabilities. The remaining 32 men were discharged without regard to their accruing rights of retirement, length of service, longevity pay, or any rights provided for these men in the law creating the Army Mine Planter Service.

The Army Mine Planter Service was created by chapter 9 of the Army appropriation act for the fiscal year ending June 30, 1919, approved July 9, 1918, Public, No. 193.

The pertinent portions of said act are as follows:

"Army Mine Planter Service: That hereafter there shall be in the Coast Artillery Corps of the Regular Army a service to be known as the Army Mine Planter Service, which shall consist, for each mine planter in the service of the United States, of one master, one first mate, one second mate, one chief engineer, and one assistant engineer, who shall be warrant officers appointed by and holding their offices at the discretion of the Secretary of War, and two oilers, four firemen, four deck hands, one cook, one steward, and one assistant steward, who shall be appointed from enlisted men of the Coast Artillery Corps under such regulations as the Secretary of War may prescribe: *Provided*, That the Coast Artillery Corps is hereby increased by such numbers of warrant officers and enlisted men as may be necessary to constitute the force provided by this chapter: *Provided further*, That the annual pay of the warrant officers and enlisted men in the various grades established by this chapter shall be as follows: Masters, \$1,800; first mates, \$1,320; second mates, \$972; chief engineers, \$1,700; assistant engineers, \$1,200; oilers, \$432; firemen, \$398; deck hands, \$216; cooks, \$360; steward, \$540; assistant stewards, \$288: *And provided further*, That warrant officers shall have such allowances as the Secretary of War may prescribe, and shall be retired, and shall receive longevity pay, as now provided by law for officers of the Army, and the enlisted force herein provided for shall receive the allowances and continuous-service pay now provided by law for enlisted men of the Army: *And provided further*, That in computing length of service for retirement, and for computing longevity pay for warrant officers, and continuous-service pay for the enlisted men authorized by this chapter, service on boats in the service of the Quartermaster Department of the Quartermaster Corps prior to the passage of this act shall be counted."

Difficulty was experienced in inducing qualified men to accept appointments as warrant officers in the Mine Planter Service, and the retirement, longevity pay, and allowances provided in the above act were the principal inducements held out for acceptance of such service. As a result the positions were filled, and among those so accepting these positions were 32 men who were eliminated as above mentioned. A great many of these men had families, were no longer young, and these advantages appealed to them. Some of the surplus 32 men came into the Army Mine Planter Service from the Military Establishment where they had accruing rights of retirement, and all of these men were given such right of retirement by statute as an inducement to such service. Some of these officers who came from the Military Establishment had, when discharged, very little longer to serve to secure retirement, and they state that they would not have left their old service if retirement privileges had not been provided in the Mine Planter Service.

As seen above, the War Department appropriation act for fiscal year ending June 30, 1923, provided for the elimination of the warrant officers of the Army Mine Planter Service by summary discharge without regard to their accruing retirement privileges, notwithstanding the provisions of the act creating the Army Mine Planter Service expressly provided as to them:

"That warrant officers * * * shall be retired, and shall receive longevity pay as now provided by law for officers of the Army."

In the same act other surplus warrant officers of the Army were taken care of, for as to them it was provided:

"That no vacancies in the grade of warrant officer, exclusive of warrant officers in the Mine Planter Service, shall be filled until the number in such grade is reduced to 600, and thereafter the number shall not be increased above 600."

In the same act the surplus officers of the Army were taken care of, for as to them it was provided:

"Officers selected for elimination of less than 10 years' commissioned service may upon recommendation of the board herein provided for, be discharged

with 1 year's pay; or those of more than 10 years and less than 20 years' commissioned service may, upon recommendation of the board, be placed on the unlimited retired list with pay at the rate of $2\frac{1}{2}$ per cent of their active pay multiplied by the number of complete years of such commissioned service; or those of more than 20 years' commissioned service may, upon recommendation of the board, be placed on the unlimited retired list with pay at 3 per cent of their active pay multiplied by the number of complete years of such commissioned service, not exceeding 75 per cent."

Thus provision was made for all officers and warrant officers except warrant officers of the Army Mine Planter Service, and yet in the act creating such service it was provided that warrant officers of the Army Mine Planter Service should be retired, and should receive longevity pay, as provided by law for officers of the Army.

This committee does not believe that it was intended to discriminate against these warrant officers in the Army Mine Planter Service and to violate the obligation expressly assumed by the Government when they entered the service, or to break the promise then held out to these men. The War Department recognizes this relief to be in the interest of justice and recommends that it be granted.

The letter of the Secretary of War recommending this measure is made a part of this report, as follows:

WAR DEPARTMENT,
Washington, February 9, 1924.

Hon. JULIUS KAHN,
*Chairman Committee on Military Affairs,
House of Representatives.*

MY DEAR MR. KAHN: With reference to your letter of December 26, 1923, requesting a report on H. R. 204, a bill "To authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service," I invite your attention to the following:

The Army Mine Planter Service was created by Chapter IX of the act of July 9, 1918 (40 Stat. 881), which authorized for each mine planter in the service of the United States 5 warrant officers and 13 enlisted men. Warrant officers, Army Mine Planter Service, are appointed by and hold office at the discretion of the Secretary of War. Under the provision of section 9, act approved June 10, 1922, the monthly base pay of warrant officers, Army Mine Planter Service, is as follows: Master, \$185; first mate, \$141; second mate, \$109; engineer, \$175; assistant engineer, \$120. The fact that warrant officers, Army Mine Planter Service, are entitled to longevity pay and to retirement gave them every reason to think that they would hold office as long as their services were satisfactory, and would eventually be transferred to the retired list; a number of noncommissioned officers and civil-service employees with long and creditable service accepted appointment as warrant officer, Army Mine Planter Service, with that understanding.

Concurrent with the reduction in the enlisted strength of the Regular Army there was a reduction in the number of Army mine planters in the service. Warrant officers, Army Mine Planter Service, rendered surplus by this reduction, were employed for a time on vessels of the Quartermaster Corps, and rendered valuable service. But the Army appropriation act approved June 30, 1922, contained this proviso:

"*Provided further*, That within 60 days after the approval of this act the number of warrant officers in the Army Mine Planter Service shall be reduced to 40, and thereafter the number shall not be increased above 40."

This proviso caused the summary discharge of 32 warrant officers, Army Mine Planter Service. These discharged warrant officers have real grounds for feeling that their summary discharge was an unnecessary hardship, and in violation of the implied terms of their appointment.

H. R. 204, in effect, applies to these discharged warrant officers the same process of elimination that was applied by the act of June 30, 1922, in reducing the number of commissioned officers of the Regular Army; that is, by discharging with 1 year's pay those having less than 10 years' service, retiring those with more than 10 and less than 20 years' service with retired pay at the rate of $2\frac{1}{2}$ per cent of active pay multiplied by the number of years of service, and retiring those with more than 20 years' service, with retired pay at the rate of 3 per cent of active pay multiplied by the number of years of service, maximum retired pay not to exceed 75 per cent of active pay. In order to make this plan effective, the Secretary of War is authorized and directed by the bill to reappoint

and immediately discharge or retire the 32 warrant officers who were summarily discharged in 1922. The bill further provides that service on Quartermaster Department boats counts for retirement and longevity pay, as well as service in the Regular Army.

It is estimated that the cost of the provisions of H. R. 204 would be \$36,116.42 the first year, \$11,119.62 the second year, and would thereafter gradually be decreased by the death of the retired warrant officers. In the event that favorable action is taken by Congress on H. R. 204, it will be necessary for the War Department to process a supplemental estimate to Congress at some time during the fiscal year 1925 to the amount of \$36,116.42, under "Pay, etc., of the Army," in order that the provisions of the bill be made effective.

As four of the warrant officers who were discharged in 1922 have since been reappointed warrant officers in the Army Mine Planter Service, and hence need no further relief, it is recommended that the following proviso be added to the bill:

"Provided further, That this act shall not apply to any discharged warrant officer, Army Mine Planter Service, who has been reappointed a warrant officer, Army Mine Planter Service."

H. R. 13772, Sixty-seventh Congress, provided for the reinstatement of these discharged warrant officers. In report No. 1556, Sixty-seventh Congress, fourth session, the Committee on Military Affairs of the House of Representatives recommended the passage of H. R. 13772, but it did not pass, and, so far as known, it has not been reintroduced in the Sixty-eighth Congress. Some form of relief for these discharged warrant officers seems necessary, and I therefore strongly recommend favorable consideration of H. R. 204, applying to them the same process of elimination that was applied in reducing the number of commissioned officers. The enactment of H. R. 204 would be an act of justice to these discharged warrant officers, and would remove the impression that our Government is more solicitous for the welfare of commissioned officers than for warrant officers who were led to believe that they had the same tenure of office and privileges of retirement as commissioned officers.

This proposed legislation has been submitted to the Director of the Bureau of the Budget, as required by paragraph 3-a of Circular No. 49 of that bureau, and the director advises that this requested legislation is not in conflict with the financial program of the President.

The War Department will furnish any additional information which may be desired. Should hearings be held by your committee, Maj. Gen. Frank W. Coe, Chief of Coast Artillery, and Lieut. Col. P. T. Hayne, General Staff, will be directed to testify.

Sincerely yours,

JOHN W. WEEKS, *Secretary of War.*

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